

MAHARASHTRA ADMINISTRATIVE TRIBUNAL**NAGPUR BENCH NAGPUR****ORIGINAL APPLICATION No. 391 of 2025 (S.B.)**

Shri Vijay S/o Sukhdeo Chavan,
Aged about 49 years, Occu.: Police Naik,
P.S Khadan, Akola, R/o Ashray Nagar,
Dabki Road, Akola (M.S). Akola.

Applicant.

Versus

- 1) The State of Maharashtra,
Through its Secretary, Home Department,
Mantralaya, Mumbai- 400032.
- 2) Superintendent of Police Akola,
New Dakshata Nagar Square, Sindhi camp,
Tahsil & District Akola, (M.S) 444001.

Respondents.

Shri A.P. Sadavarte, Advocate for the applicant.

Smt. S.R. Khobragade, learned P.O. for respondents.

**Coram :- Hon'ble Shri Justice Vinay Joshi,
Vice Chairman.**

Dated :- 03/12/2025.

J U D G M E N T

Heard finally with the consent of both learned counsel.

2. The applicant is aggrieved by his suspension order dated 21/03/2025 on the ground that despite lapse of three months, charge memo was not served. Owing to the registration of Crime, the applicant was placed under suspension on 21/03/2025. Admittedly, charge sheet was served on 20/08/2025. In said context, the applicant seeks for revocation of suspension by relying on the G.R. dated

09/07/2019 and the decision of Hon'ble Supreme Court in case of ***Ajay Kumar Choudhary Vs. Union of India (2015) 7 SCC 291.***

3. In response, the learned P.O. would submit that within the period of three months from suspension, review was taken on 16/05/2025, whereby suspension was continued. The applicant's learned counsel also took us through the copy of FIR dated 20/03/2025 which pertains to demand of bribe allegedly occurred prior to six years. Be that as it may, however, basic challenge is on non-filing of charge sheet within three months from the date of suspension.

4. The applicant has relied on G.R. dated 09.07.2019 issued by G.A.D. (A-4). In this G.R. following observations of the Hon'ble Supreme Court made in the case of Ajay Kumar Chaudhary Vs. Union of India, A.I.R. 2015, Supreme Court 2391 have been quoted :-

“14 We, therefore, direct that the currency of a Suspension Order should not extend beyond three months if within this period the Memorandum of Charges/Chargesheet is not served on the delinquent officer/employee; if the Memorandum of Charges/Chargesheet is served a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the concerned person to any Department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution. We recognize that previous Constitution Benches have been reluctant to quash proceedings on the grounds of delay, and to

set time limits to their duration. However, the imposition of a limit on the period of suspension has not been discussed in prior case law, and would not be contrary to the interests of justice. Furthermore, the direction of the Central Vigilance Commission that pending a criminal investigation departmental proceedings are to be held in abeyance stands superseded in view of the stand adopted by us.”

On the basis of these observations following guidelines have been issued :-

शासन निर्णय-

या अनुषंगाने शासकीय कर्मचा-याच्या निलंबनाचा आढावा घेण्यासंदर्भात पुढीलप्रमाणे सूचना देण्यात येत आहेत.

- (i) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांच्या कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले आहे, अशा प्रकरणी निलंबन केल्यापासून ३ महिन्यात निलंबनाचा आढावा घेउन निलंबन पुढे चालू ठेवावयाचे असल्यास त्याबाबतचा निर्णय सुस्पष्ट आदेशासह (कारण मिमांसेसह) नक्षम प्राधिका-याच्या स्तरावर घेण्यात यावा.
- (ii) निलंबित शासकीय सेवकांच्या ज्या प्रकरणी ३ महिन्यांचा कालावधीत विभागीय चौकशी सुरु करून दोषारोप पत्र बजावण्यात आले नाही, अशा प्रकरणी मा. सर्वोच्च न्यायालयाचे आदेश पाहता, निलंबन समाप्त करण्याशिवाय अन्य पर्याय राहत नाही. त्यामुळे निलंबित शासकीय सेवकांबाबत विभागीय चौकशीची कार्यवाही सुरु करून दोषारोप पत्र बजावण्याची कार्यवाही निलंबनापासून ९० दिवसांच्या आत काटेकोरपणे केली जाईल याची दक्षता/खबरदारी घेण्यात यावी.
- (iii) फौजदारी प्रकरणात विशेषतः लाचलुचपत प्रकरणी निलंबित शासकीय सेवकांवर विभागीय चौकशी सुरु करून दोषारोप पत्र बजावणेबाबत आवश्यक तो अभिलेख लाचलुचपत प्रतिबंधक विभागाने संबंधित प्रशासकीय विभागास उपलब्ध करून देणे आवश्यक राहिल.

5. Clause (ii) of the G.R. mandates that if within three months from suspension, charge sheet is not filed, there would be no alternative than to revoke the suspension. Likewise, in above referred case, the said position was already clarified by the Hon'ble Supreme Court. Though review was taken on 16/05/2025, however, admittedly, within

three months, charge sheet was not served. Moreover, it is evident from the review report that besides the reason of proposed inquiry, there is nothing to indicate the necessity of continuing suspension. In the circumstances, for technical reasons alone, the suspension would not survive. In view of that following order –

ORDER

- i) Application is allowed.
- ii) The impugned order of suspension dated 21/03/2025 is hereby quashed and set aside.
- iii) The Department to take consequential action within four weeks.

Dated :- 03/12/2025.

(Justice Vinay Joshi)
Vice Chairman.

dnk.

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : D.N. Kadam

Court Name : Court of Hon'ble Vice Chairman.

Judgment signed on : 03/12/2025.